
MEMORANDUM

TO: Mayor's Neighborhood Roundtable
FROM: Brian Will Planning Department
SUBJECT: Amendment to Title 27, Section 27.68 Wireless Facilities
DATE: November 4, 2004

Chapter 28.68 Wireless Facilities was adopted in January of 2000. It provides standards for the installation of wireless facilities, including the collocation of antennas on existing towers.

Currently, an administrative permit is required to collocate antennas on any tower. The proposed amendment will eliminate the requirement for an administrative permit, and allow additional antennas to be attached to existing towers through the building permit process.

Since the adoption of the wireless ordinance, it has become apparent that the special permit process provides adequate review for collocating antennas, and that the need for another permit is not necessary.

Unlicensed wireless services shall mean commercial mobile services that operate on public frequencies and do not need a FCC license. (Ord. 17588 §2; January 18, 2000).

27.68.030 Permits Required.

(a) No person shall locate an antenna or tower for personal wireless services or alter an existing personal wireless services facility upon any lot or parcel except as provided in this chapter.

(b) Maintenance or repair of a personal wireless service facility and related equipment, ~~excluding structural work or changes in height, dimensions or number of antenna, towers, or buildings, is~~ does not ~~excluded from the requirement to obtain an~~ administrative or special permit. However, building permits may still be required.

(c) Installation of personal wireless service facilities requires either an administrative permit issued by the Planning Director or approval of a special permit by the Planning Commission, except collocation on existing wireless facilities previously authorized by either an administrative permit or special permit.

(1) Administrative Permit: In any zoning district, the Planning Director may issue an administrative permit approving an application to replace an existing tower, to collocate antennas on a building or other structure not previously approved for wireless facilities, or to co-locate additional antennas on a camouflaged facility or rooftop facility, ~~or facility subject to an existing special permit;~~ if the application does not exceed the permitted height in the district or the height as allowed by special permit, and will have minimal adverse effect on the surrounding property, entryway corridors to the City, Capitol Environs District, Capitol View Corridors as described in Section 27.56.017, landmarks or landmark districts designated in accordance with Chapter 27.57, or properties listed or eligible to be listed on the National Register of Historic Places. Within 45 days of receiving a complete application, the Planning Director shall act on the request for an administrative permit, or shall refer the application to the Historic Preservation Commission, Nebraska Capitol Environs Commission, and/or Planning Commission for public hearing as may required under Chapter 27.56, Chapter 27.57, or Chapter 27.63 of the Lincoln Municipal Code, or the other requirements of this Code. If a request for an administrative permit is not acted upon within 45 days, or is denied, or the conditions imposed thereon are unacceptable to the applicant, then the applicant may, by written notice to the Planning Director, convert the request for an administrative permit to an application for a special permit. Moreover, an applicant may, in lieu of and without first seeking an administrative permit hereunder, request a special permit for its proposed facility.

(2) Special Permit: All towers and additions to existing facilities not issued or eligible for an administrative permit and all requests for a special permit shall be reviewed and evaluated, according to the procedure established in Chapter 27.63 of the Lincoln Municipal Code. In the event that the proposed special permit is denied by the Planning Commission, no new request shall be made for the same or substantially similar administrative or special permit within a period of three months after denial thereof. Any decision to deny a special permit under this

Example:

R-2 Residential District

27.13.030 Permitted Conditional Uses.

A building or premises may be used for the following purposes in the R-2 Residential District in conformance with the conditions prescribed herein:

(a) Churches:

- (1) Parking shall be in conformance with Chapter 27.67;
- (2) The required front and side yards shall be landscaped in conformance with the standards adopted by resolution of the City Council;
- (3) Required side and rear yards shall be fifteen feet or the same as the district, whichever is greater;
- (4) ~~Buildings shall not cover more than fifteen percent of the lot area.~~

Parking:

Churches and chapels and schools and private schools having a curriculum equivalent to a public elementary or public high school and private business or commercial schools: One space/50 sq.ft. in largest assembly hall as determined by city.

Landscaping:

Required Yards, Open Space Areas, Malls and Around Proposed Buildings B-2, B-5, I-2 and I-3 Districts and Churches in R-1 through R-4 Residential Districts.

There shall be provided for each 10,000 square feet or fraction thereof of building four (4) trees with a design spread diameter of thirty (30') feet each or combination to equal the same, and four hundred (400) square feet of shrub coverage.

27.63.520 Permitted Special Use: Churches; Increased Lot Coverage:

In the R-1 through R-7 residential zoning districts, a special permit may be granted to permit the expansion of an existing church in excess of the maximum permitted lot coverage for churches in said districts under the following conditions:

———— (a) A church use shall have been located on the premises for which the special permit is requested for at least ten years;

———— (b) An expansion or expansions shall not exceed more than five percent cumulative additional lot coverage over existing lot coverage on the date the first expansion was approved. Once the expansion or expansions have reached the maximum five percent cumulative additional lot coverage over said existing lot coverage, no further expansion shall be permitted for a period of ten years;

———— (c) The applicant must show to the satisfaction of the city that no additional adjacent lands are reasonably available for acquisition to otherwise support the proposed expansion and that the applicant has acquired all such adjacent lands as are reasonably available;

———— (d) The proposed expansion shall not reduce the available parking below the required minimum for the church use, including the proposed expansion. (Ord. 17439 §1; November 23, 1998; prior Ord. 14510 §8; September 8, 1986).

